IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 3796 of 2006

Date of decision: 22.9.2006

Punjab State Electricity Board through its Secretary

--- Petitioner

Versus

The Assistant Labour Commissioner-cum-Controlling Authority under the Payment of Gratuity Act, 1972 and others

--- Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

PRESENT: Mr. S.C. Pathela, Advocate for the petitioner.

JUDGMENT

In this revision petition filed under Article 227 of the Constitution of India, the petitioner has prayed that during the pendency of Civil Writ Petition No. 5126 of 2004, the proceedings pending against it under the Payment of Gratuity Act filed by its ex-employees for claiming the payment of difference of gratuity under the Punjab Civil Service Rules and under the Payment of Gratuity Act be stayed.

On repeated queries by the Court that since the aforesaid writ petition i.e. CWP No. 5126 of 2004 is pending after admission by order dated 29.3.2006, why the petitioner has not put forth its claim in those writ proceedings which it has claimed in the present revision petition. The counsel could not submit any reply to the query put by the court. He,

however, conceded that such a relief could be claimed by moving an application in the aforesaid writ petition.

In view of the above, no ground is made out for exercising revisional jurisdiction. The revision petition is consequently dismissed.

(AJAY KUMAR MITTAL)
JUDGE

September 22, 2006
MALIK